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**Introduced by Senator Burton**  
(Principal coauthor: Assembly Member Haynes)  
(Coauthor: Senator Sher)

August 27, 2003

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Senate Joint Resolution No. 22—Relative to the U.S.A. PATRIOT Act.

LEGISLATIVE COUNSEL'S DIGEST

SJR 22, as introduced, Burton. U.S.A. PATRIOT Act.

This measure would urge the California Congressional delegation to work to repeal any provisions of the U.S.A. PATRIOT Act that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' civil rights and liberties.

This measure would also resolve that the State of California will ensure that no state resources be provided for any action that would violate the United States Constitution and the California Constitution, including specified actions.

Fiscal committee: no.

- 1 WHEREAS, The State of California recognizes the  
2 Constitution of the United States of America as our charter of  
3 liberty, and that the Bill of Rights enshrines the fundamental and  
4 inalienable rights of Americans, including the freedoms of  
5 religion, speech, assembly, and privacy; and  
6 WHEREAS, The State of California has a distinguished history  
7 of safeguarding the freedoms of its residents; and

1 WHEREAS, Each of the California's duly elected public  
2 servants has sworn to defend and uphold the United States  
3 Constitution and the Constitution of the State of California; and

4 WHEREAS, The State of California denounces and condemns  
5 all acts of terrorism, wherever occurring; and

6 WHEREAS, Any new security measures of federal, state, and  
7 local governments should be carefully designed and employed to  
8 enhance public safety without infringing on the civil liberties and  
9 rights of innocent persons in the State of California and the nation;  
10 and

11 WHEREAS, Certain provisions of the Uniting and  
12 Strengthening America by Providing Appropriate Tools Required  
13 to Intercept and Obstruct Terrorism Act, also known as the U.S.A.  
14 PATRIOT Act, allow the government greater authority to detain  
15 and investigate persons and to engage in surveillance activities that  
16 may violate or offend the rights and liberties guaranteed by our  
17 federal and state constitutions, including rights of due process, the  
18 right to privacy, the right to counsel, protection against  
19 unreasonable searches and seizures, and basic First Amendment  
20 freedoms; and

21 WHEREAS, The people of California are concerned that many  
22 provisions of the U.S.A. PATRIOT Act, pose significant threats to  
23 constitutional protections; now, therefore, be it

24 *Resolved by the Senate and Assembly of the State of California,*  
25 *jointly,* That the State of California supports appropriate and  
26 effective measures by the government of the United States of  
27 America and the State of California to combat terrorism and  
28 affirms its commitment that the campaign not be waged at the  
29 expense of essential civil rights and liberties of citizens of this  
30 country contained in the United States Constitution and the Bills  
31 of Rights; and be it further

32 *Resolved,* That the State of California also urges its  
33 Congressional delegation to work to repeal any provisions of the  
34 U.S.A. PATRIOT Act that limit or impinge on rights and liberties  
35 protected equally by the United States Constitution and the  
36 California Constitution and to oppose any pending and future  
37 federal legislation to the extent that it would infringe on  
38 Americans' civil rights and liberties; and be it further

39 *Resolved,* That the State of California will ensure that no state  
40 resources be provided for any action that would violate the United



1 States Constitution, or the Constitution of the State of California,  
2 including but not limited to all of the following:

3 (1) Collecting or maintaining information about the political,  
4 religious, or social views, associations, or activities of any  
5 individual, group, association, organization, corporation,  
6 business, or partnership, unless the information directly relates to  
7 an investigation of criminal activities and there are reasonable  
8 grounds to suspect the subject of the information is or may be  
9 involved in criminal conduct.

10 (2) Recording, filing or sharing intelligence information  
11 concerning a person or organization, including library lending and  
12 research records, book and video store sales and rental records,  
13 medical records, financial records, student records, and other  
14 personal data, even if authorized under the U.S.A. PATRIOT Act.

15 (3) Demanding nonconsensual releases of student and faculty  
16 records from public schools and institutions of higher learning.

17 (4) Eavesdropping on confidential communications between  
18 lawyers and their clients.

19 (5) Engaging in racial profiling that enables law enforcement  
20 agencies to use race, religion, ethnicity, or national origin as  
21 factors in selecting individuals to be subject to investigational  
22 activities except when seeking to apprehend a specific suspect  
23 whose race, religion, ethnicity, or national origin is part of the  
24 description of the suspect; and be it further

25 *Resolved*, That the Secretary of the Senate shall transmit copies  
26 of this resolution to the President and Vice President of the United  
27 States, to the Speaker of the House of Representatives, to the  
28 Majority Leader of the Senate, and to each Senator and  
29 Representative from California in the Congress, the Attorney  
30 General of the United States, and to all federal and state law  
31 enforcement agencies.

